



Provide Legal Assistance to Civil Servants in Positions as Actors of Goods / Services Procurement in Local Government Agencies with Justice and Legal Certainty

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Abstract

One of the guarantees of legal protection that must be provided is legal aid. As stated in paragraph (2) and paragraph (9) of Article 21 of Law 20 Year 2023 On State Civil Apparatus, hereinafter referred to as Law No. 20 Year 2023 jo. Article 308 (3) of Government Regulation No. 11/2017 on the Management of Civil Servants, hereinafter referred to as Government Regulation No. 11/2017, states that the government is responsible for providing legal assistance to civil servants (PNS) in cases related to the performance of their duties. At present, civil servants who face legal problems are most often legal problems related to criminal offenses, especially corruption. By looking at the above, of course, there are several problems that are built, namely, ontologically, questioning the reason for the law that requires the government to provide legal assistance to civil servants. Epistemologically, the ways and methods of providing legal assistance to civil servants, especially in their position as actors in the procurement of goods and services in the government region, Furthermore, axiologically, the principle of legality in the implementation of government (Wetmatigheid van Bestuur: matters of authority, procedure, and substance) provides a guarantee of protection in the form of legal assistance. In the context of legal problems, this legal problem is related to the "incompleteness of norms" between the Law on the State Civil Apparatus, which, in the course Law of the Republic of Indonesia Number 20 of 2023 on the State Civil Apparatus. Actually, it has been implicitly regulated in Article 308 paragraph (1) letter d of PP RI No. 11/2017, but incompletely, which emphasizes that the government is obliged to provide protection in the form of legal assistance. This legal assistance consists of providing information or opinions on rights and responsibilities in specific situations, disputes, lawsuits, or legal proceedings, which may be judicial, semi-judicial, or other.

Keywords: *Legal Aid; Civil Servants; Procurement of Goods and/or Services*

Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as UUD 1945) states "The State of Indonesia is a State of law", indicating the state's strong desire to ensure equal legal standing. According to the Indonesian rule of law, individual interests must be balanced with the public interest. This means that the state recognizes the human rights and obligations of its citizens and protects them, while the state is given the power to protect the human rights and obligations of its people, as well as to create a safe, peaceful, and peaceful environment. Mochtar Kusumaatmadja in (Kusumaatmadja, 2017) Stating the concepts of law in development, it can be said that a state based on law means that all people are equal before the law and that power is subject to the law.

The conception of the rule of law is the result of thoughts that were born and developed in a historical situation. The choice of a form of state with the conception of the rule of law aims to protect against various acts of arbitrariness that could potentially be carried out by the authorities, so that every action of the authorities must be based on a basis or regulation that has been agreed upon by the authorities. It is not uncommon for a country that claims to be a state of law to often transform into a state of regulation because it is of the view that if the regulations as a basis have been established, then all of its actions can be justified, even though the conception of the rule of law is also obliged to look at the elements of public welfare and justice (Prasetyo et al., 2022).

There is a demand that the law must not only be practical, effective, or both, but must also aim to establish an order that is considered fair and in accordance with human dignity. All components related to a sense of justice in relation to legal order must consider the principles and standards of life that exist in the legal culture of the country. Inseparable from the function of the law to protect society, the law is very important in people's lives. The principle of the rule of law based on Pancasila as well as the recognition and protection of human dignity are the foundations for providing legal protection for the people of Indonesia (Hadjon, 2007).

One of the guarantees of legal protection that must be put forward is legal aid, as referred to in Article 1 point 1 of Law Republic of Indonesia Number 16 of 2011 on Legal Aid (State Gazette of the Republic of Indonesia of 2011 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 5248), hereinafter referred to as RI Law No. 16 (2011), which is legal services provided by legal aid providers free of charge to legal aid recipients. is a legal service provided by legal aid providers free of charge to legal aid recipients. free of charge for those who qualify for legal aid.

In addition, the Law of the Republic of Indonesia Number 18 Year 2003 on Advocates (The State Gazette of the Republic of Indonesia Year 2003 Number 49, Supplement to the State Gazette of the Republic of Indonesia Number 4288), hereinafter referred to as RI Law No. 18/2003, provides clear provisions on the obligation of advocates to provide legal aid as part of their work, as stated in Article 22 paragraph (1): *"Advocates shall provide free legal aid to indigent justice seekers"*.

According to Law of the Republic of Indonesia Number 39 of 1999 on Human Rights (State Gazette of the Republic of Indonesia of 1999 Number 165, Supplement to State Gazette of the Republic of Indonesia Number 3886), hereinafter referred to as Law of the Republic of Indonesia No. 39/1999, every person and the state are responsible for respecting and protecting the rights inherent in the nature and existence of human beings as creatures of God Almighty. One of the pillars and cornerstones of human rights, the concept of legal equality, is often undermined by injustice.

The implementation of the concept of legal equality in legal protection in the form of guarantees for the provision of legal aid in Law Number 39, Year 1999, namely in Article 18 paragraph 4, which

states that everyone who is examined has the right to be represented by a legal representative during the investigation and until there is a final court decision.

As stated in paragraph (2) and paragraph (9) of Article 21 of Law Number 20 Year 2023 on the State Civil Apparatus (Sheet of the Republic of Indonesia Year 20 Number 141, Supplement to the State Gazette of the Republic of Indonesia Number 6897), hereinafter referred to as Law Number 20 Year 2023jo. Article 308 paragraph (3) of Government Regulation Number 11 of 2017 concerning Management of Civil Servants (Sheet of the Republic of Indonesia Year 2017 Number 63, Supplement to the State Gazette of the Republic of Indonesia Number 6037), hereinafter referred to as Government Regulation Number 11 Year 2017, states that the government is responsible for providing legal assistance to civil servants (PNS) in cases related to the performance of their duties. The researcher specifically concentrates on the position of civil servants as actors in the procurement of goods and services in government agencies in the Dregion.

Presidential Decree No. 16 of 2018 on Procurement of Goods/Services of Government as last amended by Presidential Order No. 12 of 2021 on Amendments to Presidential Regulation No.16 of 2018 (State Gazette of the Republic of Indonesia No. 63 of 2021), hereinafter referred to as President's Decree Number 16 of 2018, regulates legal services for procurement persons of goods/services in local government bodies as in Article 84.

Furthermore, the more rigid and technical Regulations are the Government Procurement Policy Institution Regulations No. 15 of 2018 (State News of the Republic of Indonesia No. 768 of 2018), as last amended by the Regulations of the Government procurement policy Institution No. 19 of 2019 on Changes to the Regulation of the Policy Agency for Procurement of Goods/Services of Government No.15 of 2018 on the Perpetrators of Procurements of goods/services (The Government of Indonesia State News of 2019 No. 1659) and are referred to as the Government Policy Agency Regulations Number 15 of 2018, as stated in Article 15.

Currently, the PNS that faces legal problems most often are legal problems in criminal acts, especially corruption crimes, and when proven guilty in corruption crime, a PNS is threatened with severe disciplinary punishment, namely disrespectful termination (PDTH) as a PSN for committing a criminal act related to the office or its connection with the office is a criminal offence of corruption. As an example of the Corruption Criminal Prosecution case in the Palangka State Court is:

1. A PNS who became a defendant, on behalf of the Sonata Firdaus Eka Putra, ST. MT Bin Sjahrani Sjahrin in the office of Chancellor of the Budget Users Power / Commitment Maker Office based on the Decree of the Mayor of Palangka Raya No. : 188.45/51.1/2017 dated 11 January 2017 concerning the appointment of the Power Office of the Appropriate Users in the Environment of the People's Housing Services and Municipal Settlements Area of the City of Palach Raya year 2017, with the Classification of Matters: Corruption Punishment and Matters Number: 26/Pid.Sus-TPK/2022/PN Plk, accompanied by the Non-PNS Legal Adviser (Source Data: SIPP (pn-palangkaraya.go.id), (diakses pada 1 Maret 2023).
2. A PNS who became accused, on behalf of Otovianus, S.P., M.Si. Bin Alm. Baku Kaya in the Department as Secretary of KPU District of Kapuas Period Year 2017 until the year 2021 based on the Decree of the Secretary-General of the KPU Republic of Indonesia Number: 202/Kpts/Setjen/Year 2017 concerning the appointment of Secretary General Election Commission of the Kapuas District of Central Kalimantan Province was dated 29 March 2017 with Classification of Matters: Punishment of Corruption and Item Number: 33/Pid.Sus-TPK/2022/PN Plk, accompanied by the Legal Adviser on the name of Adv. Wikarya F. Dirun, SH, MH, CIL and Zul Chaidir.SH a lawyer (KAI) non PNS Data Source: SIPP (pn-palangkar.go.id), (diakses pada 1 Maret 2023).

- 3.A PNS who became the defendant, on behalf of SENIWATI binti BAYAM TAGAB as the Technical Executive Officer of Secondary Education and Extraordinary Education Activities at the Department of Education of the Central Kalimantan Province based on the letter of the Chief of the Education Service of the Province of Kalimantanang Central Number: 962/001/SET/I/2014 dated January 2, 2014, with the Classification of Matters: Corruption Criminal Proceedings and Matter Number: 3/Pid.Sus-TPK/2022/PN Plk, accompanied by the Legal Adviser in the name of Henricho Fransiscust, S.H.,M.Hum. a lawyer (PERADI) non-PNS Data Source: SIPP (pn-palangkaraya.go.id), (diakses pada 1 Maret 2023).
- 4.A PNS who became the defendant, on behalf of Agustinus Sujatmiko, ST, Msi Bin Ignatius Soenarto, Head of the Section of Airport Engineering and Electronics and Electrical Facilities at the Department of Communications, Communication and Informatics of the Central Kalimantan Province, was appointed Officer Maker of Commitment (PPK) pursuant to the Decree of the Minister of Relations R.I. No. : KP.37 of 2014 on 13 January 2014 on the Implementation of the Development of the Trinsing Airport/Airport H. Muhammad Sidik village of trinsing Muara Teweh district of North Barito Province of Kalimantanang Central Province, with Classification of Matters: Corruption Punishment and Matters Number: 48/Pid.Sus-TPK/2022/PN Plk, accompanied by the Legal Adviser of a non-PNS lawyer Source: SIPP (pn-palangaya.go.id). (diakses pada 1 Maret 2023).

The above case example shows that the PNS in the Regional Government is very vulnerable to legal problems when performing its duties, especially as the Procurement Officer of Goods/Services.

Based on the description above, the research problem of this dissertation is as follows:

1) Philosophical Aspects

- a) Ontology Aspects; In this, the ontological aspects question the legal grounds for requiring the Government to provide legal assistance to the PNS.
- b) Epistemological aspects; In terms of epistemology, how to provide legal assistance to the PNS, especially in the position of the procurement of goods and services in the Regional Government.
- c) Axiological aspects; The basis of legality in the exercise of government (*Wetmatigheid van bestuur*: concerning authority, procedure, and substance) provides guarantees of protection in the form of legal assistance.

2) Theoretical Problematics

In terms of the Government's obligation to provide legal protection to the PNS while performing its duties as the Procurement Officer of Goods/Services in the Regional Government Instance, there is a theoretical problem. (Mertokusumo, 2014).

The clarity of the norm that allows those who follow it to use it as a guideline is what we mean when we talk about certainty. (Wijayanta, 2014). One way to understand the term "certainty" is to say that there is clarity and a strong belief that the law should be applied in society. Legal certainty, according to Sudikno Mertokusumo, is a guarantee that the law can be applied, enforced or implemented effectively. Every rule is made systematically to regulate in a clear and logical way. But when there is no legal certainty and rules are made not in an explicit and systematic way, then conflict of norms can occur. These norm conflicts can appear in the form of contestation, reduction, or distortion of the norm.

3) Yuridic problem

The arrangements governing legal assistance for the PNS are currently not or cannot be implemented, which raises jurisdictional issues. This jurisdictional question relates to the "Independence of Norms" between the Law on Civil State Appliances, which in its course, the Law of the Republic of Indonesia No. 5 of 2014 on the State Civil Appliance of 31 October 2023 has been repealed and replaced by the Law No. 20 of 2023 on the Government of Indonesia (hereinafter referred to as the Law RI no. 20/2023) approved in Jakarta and enacted in Jakarta in the State Sheet on 31 October 2023, in the Sheet of State of Indonesia no. 2023, No. 141, and the Regulations of Other Legislative Provisions relating to the Provision of Legal Assistance, as regulated in Article 308 para. 1 (one) letter d, para. 3 (three), and para. 4 (four) of the Government Regulations No. 11 of 2017 on the Administration of Civil State Officers.

The Law No.20/2023 on the Civil State Apparatus is a source of rules governing the obligation of the Government to provide protection in the form of legal assistance to the PNS in the performance of its duties, including the rights and obligations of PNS to retain the right to legal aid, as set out in Chapter VI, Article 21, Part One.

Research Method

The research used in this research process uses a type of normative legal research (Van Hoecke, 2016). By using library materials or secondary materials that have been collected. Legal research is also a process to determine legal rules, legal principles, and legal doctrines in order to answer the legal issues faced. The basic materials used in this study came from library data. Everything related to data analysis is narrated holistically so that a complete combination is found and conclusions can be drawn in a balanced and structured manner using a deductive method.

Result and Discussion

Politics Law of RI No.20/2023 in Particular Article 308 Paragraph (1) Letter d, Paragraph (3) and Paragraph (4) of Government Regulations Number 11 Year 2017 on the Management of Civil State Officers

When looking further into the legal policy of the publication of the Law RI No.20/2023 on the Civil State Apparatus, it must be seen what is in consideration weighing with some points that the implementation of national ideals and realization of state purposes as listed in the opening of the Basic Law of the State of the Republic of Indonesia in 1945, it is necessary to build a civil state apparatus that has integrity, professional, neutral and free from political intervention, free from practices of corruption, collusion, and nepotism, as well as able to organize public service to the public and able to perform a role as an element of unity and national unity pursuant to Pancasila and the Constitution of the state of the republic of Indonesia of 1945. Furthermore, to accelerate the transformation of civil State apparatus to realize a high yield of state civil apparatus and behavior that is oriented to service, accountable, competent, harmonious, loyal, adaptive, and collaborative, there is a need to make improvements to the implementations of the civil government apparatus.

To implement the trust to form an Indonesian State Government as envisaged in the Constitution of the Republic of Indonesia in 1945, a well-functioning government bureaucracy is required. The government has devised a plan of action to keep the government always present by building a clean, effective, democratic, and trustworthy system of government. To accomplish this, it is necessary for the ASN to be a main machine of bureaucracy that is professional, neutral and free from political

intervention, free from practices of corruption, collusion, and nepotism, capable of organizing quality public service, and capable of performing the role of a sticker of national unity and unity under Pancasila and the Constitution of the Republic of Indonesia of 1945.

The regulatory framework governing the current ASN is Act No. 5 of 2014. Faced with a rapidly changing world accompanied by rapid technological advances, public demands for increasing public services, including demands to resolve honour problems, as well as the global economic opportunities and challenges faced by the Indonesian nation to compete with other nations in the world, changes need to be made to the provisions of the Act.

The various regulations in this Act are expected to be the basis for accelerating the transformation of ASN Management to create a professional and world-class Indonesian bureaucracy. The ASN needs to have a digital mindset in carrying out the bureaucratic transformation and management of the ASN. This is related to the change in the new patterns of order, where the work of bureaucracy has also shifted to digital based and the organizational structure is also beginning to transform from hierarchy to coordination.

In addition to such sociological facts and empirical conditions, Juridically, the Law of the Republic of Indonesia No. 5 of 2014 on the Civil State Apparatus also needs to be adapted to the presence of a Constitutional Court ruling that imply to the substance of such laws. Some of the decisions of the Constitutional Court, among others: Decision No. 41/Law-XIII/2014 concerning the resignation of the PNS following political controversy; Decision of the Conventional Court No. 8/Lay-XII/2015 concerning PNS who no longer serves as a State official and no vacancy of office is available; and Decision no. 87/Ley-XVI/2018 concerning a disrespectful termination of PNS for committing criminal acts.

There is a system of legal protection for ASN as stipulated in the ASN Act, that there is a concern of the government against ASN, because there are provisions for legal protection in the form of legal aid.

The Government of Palangkaraya district is still in the planning to make a preventive effort by submitting regulations such as Decisions of the Government of the Republic of Indonesia No. 11 of 2017 on the management of civil servants (hereinafter referred to as PP RI no. 11/2017).

A good regional budgeting will go through an empirical study process that has strategic significance from an economic and accountable point of view. Political interests can be included in budgeting, but should not dominate the strategic functions of the budget. As for such a strategic function, the budget is a source of sustainable financing for development and has a clear and measurable goal of achieving it.

In article 308 paragraph (1) letter d PP RI No.11/2017 affirms that the government is obliged to provide protection in the form of legal assistance. This legal aid consists of providing information or opinions about rights, responsibilities in particular situations, disputes, litigations or legal processes that may be judicial, semi-judicial or otherwise. In article 308 paragraph (3) PP RI No.11/2017 legal aid as referred to in paragraph (1) letter d, is the provision of legal aid in matters faced in court in connection with the performance of its duties (Sumarsih, 2022). This legal aid consists of the provision of information or opinion on rights, responsibilities in particular situations, disputes, litigation or legal processes that can be a court, semi-judicial or other (Astuti, 2020). With legal aid, equality before the law will be achieved. A fair and impartial legal process will only take place when the parties to a dispute have a balanced position and power, especially in terms of legal knowledge and skills. With a balanced position and power, manipulation and hegemony over facts and truth can be prevented. Thus, legal aid serves to strengthen efforts to enforce substantive justice through fair and impartial legal processes. (Triwulandari, 2020).

Legal aid provides a space for interaction between experts and the law profession with the general public. That interaction will cultivate an understanding and awareness of how to position a rule of law in the lives of nations and nations. The law is a set of rules that must be obeyed. If there is a problem that must be resolved through legal means, including when there are rules that are detrimental to the constitutional rights of citizens, it must also be solved through a legal mechanism. Legal aid serves to build a culture of compliance with the law as one of the main characteristics of civilized societies.

In view of the above, the researchers believe that legal aid should refer to the foundations of legal aid, namely justice and transparency, which can be said to be a right and duty of everyone in proportionate, proper, right, good, and orderly terms. Justice is conceived based on John Rawls in (Hasanuddin, 2018) as the principles in a justice among others: First, the principle of equal liberty, that is, everyone has the right to equal individual freedom as the rights of others. Second, equal opportunity principle, in this case economic injustice in society must be regulated to protect the unfortunate by the way giving equal opportunities to all people on fair terms. On the basis of openness, which is intended to give access to the public to information in a complete, true, honest manner, and is not biased in obtaining guarantees of justice based on constitutional rights.

From this point of view, the legal policy of providing legal assistance to civil state officials in the position of procurement of goods and/or services must see the theocratic basis in the formulation of legislative regulations. On the other hand, the purpose of the state is based on the rights and obligations of citizens in protecting the entire bloodshed of Indonesia with full justice and certainty, thus creating a legal order in the legal system of society, nation and state. Of course, this is also based on the basis of justice and openness that is constitutionally accepted as a form of protection which is legal assistance for ASN in its office in determining the procurement of goods and/or services to local government agencies.

Legal Policy Forward Protection Legal Assistance For PNS In Execution Of Rights And Obligations Principally On Departments As Perpetrators Of Goods And/or Services In The Instances Of The Regional Government That Are Fair

The Ministry of Internal Affairs Letter No. 180/6867/SJ concerning the enforcement of the law against the civil apparatus of the State committing criminal acts of corruption states that the punishment of the corruption is an extra ordinary crime thus corruption constitutes a crime whose abolition must be committed in an extraordinary manner and strict sanctions for those committing in particular in this case the Civil apparatus, to give effect.

The birth of the Law No. 5 of 2014 on the Civil State Apparatus establishes the obligation of the Government to provide protection, services and legal assistance to both Civil State Officials (PNS) and Government Officers with Contracts of Employment (PPPK). The provision of legal assistance to the civil apparatus of the State is granted in cases before the courts relating to the performance of their duties.

The Government has an obligation to provide legal assistance to the PNS and PPPK on the basis of the presumption of innocence and the provision of such legal assistance is not intended to exempt from punishment/action/claim, but to obtain legal certainty and guarantees of legal equality so that a fair judicial process can be realized by adhering to the principle of equality in the law (Equality Before The Law). According to data from the Anti-Corruption Commission, Corruption Criminal Prosecution by type of case in 2004-2018, the corruption procurement of goods/services is ranked second in the prosecution cases dealt with by the anti-corruption commission with a total of 188 cases. As for the number of cases ranked is bribery with 564 cases.

Specifically, for the Acquirer of Goods/Services, the right to obtain legal services in the form of legal assistance is regulated in Presidential Regulations No. 16 of 2018 on the procurement of Government goods/services.

The Ministry/Regional Authority/Government is obliged to provide legal services to the Procurement Officer of Goods/Services in the face of legal problems related to the procurement of goods/services. In paragraph (2) it is stated that the legal services referred to in paragraph (1) are provided from the investigation process to the stage of the court ruling.

Article 15 (1) of the Government Procurement Policy Institution Regulations No. 15 of 2018 on Procured Goods/Government Services states that legal services are the provision of legal assistance from the investigation process to the stage of a court ruling relating to the implementation of tasks in the field of Procured Goods / Services. Legal services as referred to in paragraph (1) are provided by the Ministry / Authority / Regional Government.

In the Law No. 5 of 2014 and the Perka LKPP No. 15 of 2018 above, the term legal aid is mentioned. However, there is no detailed explanation of the definition of legal aid itself. If referring to Law No. 16 of 2011 on Legal Aid. In Psalm 1, number one, it says that:

Legal aid is a legal service provided by the legal aid provider free of charge to the recipient of legal aid.

In the General Regulations of the Presidential Regulations No. 16 of 2018 and LKPP No. 15 of 2018 there is no definition of the acquirer of goods and/or services. The Presidential regulation No.16 of 2018 states that there are 9 types of acquiring goods/services:

- a) Budget user (PA). Budget user is an official with authority to use the budget of the Ministry of State/Authorities/Regional Appliances (LKPP Regulation No.15/2018, Article 1 No. 7).
- b) The power of the Budget User is the authority obtained from the PA to exercise part of the authorities and responsibilities of the use of the budget (LKPP Regulation No.15/2018 Article 1, paragraphs 8 and 9).
- c) Commitment Maker Office (PPK) is an official authorized by the PA/KPA to take decisions and/or take actions that may result in expenditure of the state budget/regional budget (Regulation LKPP No.15/2018 Article 1 para. 10)
- d) The Procurement Office is an administrative/functional officer/personel responsible for direct procurement, direct appointment and/or E-Purchasing (LKPP Regulation No.15/2018 Article 1 para. 13).
- e) Working Group (Pokja) Election. Election is the human resource established by the UKPBJ leadership to manage the selection of providers (LKPP Regulation No.15/2018 Article 1 number 12).
- f) The Procurement Agent is the UKPBJ or the Entrepreneur who carries out part or all of the Procurement work/Services entrusted by the Ministry/Regional Authority/Apparatus as the employer.
- g) PjPHP is an administrative/functional officer/personel responsible for inspecting the administrative results of procurement of goods/services.
- h) The Swakelola organizer is a team that organizes activities in a swakelola manner.

Legal assistance is provided to resolve a legal matter. A matter is a legal issue that is resolved through litigation and/or non-litigation (Article 1 para 3 Permendagri No.12/2014). A Litigation is the resolution of a legal problem that is dealt with and settled through the judiciary.

According to the Ministry of Home Affairs Regulation No. 12 of 2014, the provision of legal aid includes:

- a. The provision of legal assistance in litigation is carried out in the handling of cases:
 1. Prisoners. Legal assistance is provided by providing assistance in the investigation and investigation of criminal matters. The purpose of the legal assistance is to provide legal understanding among others:
 - a. About the rights and obligations of witnesses at each stage of the investigation;
 - b. Criminal event legal provisions
 - c. concerning the alleged criminal material; and
 - d. Other matters considered necessary and related to the matters faced.
 2. According to article 11 of the Interior Minister's Regulation No. 12 of 2014, regarding civil litigation, the Regional Government Law Bureau may represent the Supplier of the Goods/Services claimed by:
 - a. Dispute against the object of the lawsuit;
 - b. Preparation of authorization, preparation of replies, duplicates, evidence and witnesses, conclusions, memories of appeal/contra-appeal memories, memory of cassation/contro-cassation memories and memory of re-examination/contr-revision memories;
 - c. Attend trial at the State Court;
 - d. To submit a Memorandum of Appeal to the High Court through the Court of First Instance; and
 - e. Delivering Case Memory/Contra Case Memories, Revision Memory /Contra Review Memory back to the Supreme Court through the Court of First Instance.
 3. In accordance with article 17 of the Regulations of the Minister of the Interior No. 12 of 2014, the Regional Government Law Bureau performs, inter alia:
 - a. Investigation of the object of the lawsuit;
 - b. To attend a hearing in the State Business Court;
 - c. Preparing and delivering authorization, replies, duplicates, evidence, witnesses, conclusions
 - d. Declare and lodge an appeal, transmit a memo of appeal/contra appeal; and
 - e. Declaring and submitting cassation, handing over cassation memoirs/contra-cassation memos, review memoirs/contro-reconsideration Memoirs back to the Supreme Court through the Court of First Instance.

1. Non Litigation Legal Aid

The provision of non-litigation legal aid includes:

1. Facilitation of legal complaints. In the form of problem submission facilitation.
2. Facilitation of legal consultation. In the form of requests for input and advice.
3. Facilitation of demonstration handling. In the form of legal explanations.

In accordance with Article 92 of Law No. 5/2014, legal assistance to the State Civil Apparatus must be provided by the government. The assistance provided is in the form of providing legal aid in cases faced in court related to the implementation of their duties. Further provisions regarding the protection of the State Civil Apparatus will be regulated in a government regulation.

Conclusion

Legal politics towards the protection of legal aid for ASN in office, especially in the procurement of goods and/or services, is the responsibility of the state. Through Article 308 paragraph (1) letter d, paragraph (3), and paragraph (4) in Government Regulation Number 11 of 2017 concerning the management of civil servants, it certainly sees the basis of theocracy in the formation of legislation. On the other hand, it sees the purpose of the state based on the rights and obligations of citizens in protecting the whole and all of Indonesia with full justice and certainty, so as to create legal order in the legal system of society, nation, and state. Of course, this is also based on the principles of justice and openness, which are constitutionally accepted as a form of protection in the form of legal assistance for ASN in its position in determining the procurement of goods and/or services in local government agencies.

Future legal policies, of course, legal aid for ASNs in office, especially actors in the procurement of goods and/or services, must be fair and certain to obtain legal certainty and guarantee legal equality so that a fair judicial process can be realized by adhering to the principle of equality in law (Equality Before the Law) in two (two) things, among others: a case is a legal issue resolved through litigation and/or non-litigation (Article 1 point 3 of Permendagri No.12/2014).

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